IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

...

NOTICE OF MOTION NO.1456 OF 2005

IN

SUIT NO.3299 OF 2003

...

Haji Ismail Haji Habib
Musafirkhana Trust & Ors. ...Plaintiffs

v/s.

Mr.Yusuf Saleh Mohd. Zafrani
and ors. ...Defendants

...

Ms.J.A.Sarkhot i/b R.V.Govilkar for the Plaintiffs.

None for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 13TH OCTOBER,2006

P.C.:

By this Notice of Motion Plaintiff seeks an order for discharge of the Receiver only in relation to room No.2 on the footing that the Receiver has taken physical possession of the room. That statement is to be found in paragraph 8 of the affidavit filed in support of the motion. In support of that statement the Plaintiff relies on the Receiver's report at Exh.E. Perusal of the Receiver's report shows that the Receiver no where states that he has taken physical possession of room No.2. The learned Counsel also read other report of the Receiver at Exh.F. However, even that report does not show that the Receiver has taken physical possession of room No.2. Motion, therefore, cannot be granted. It is disposed of.

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